

FILED
DISTRICT COURT
UINTAH COUNTY, UTAH

APR - 5 2010

BY JOANNE McKEE, CLERK
LAW CLERK

NORMAN K. JOHNSON, No. 3816
L. WARD WAGSTAFF, No. 5554
MICHAEL M. QUEALY, No. 2667
Assistant Attorneys General
MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL
ATTORNEYS FOR UTAH STATE ENGINEER
1594 West North Temple, Suite 300
SALT LAKE CITY, UTAH 84116
Telephone: (801) 538-7227

IN THE EIGHTH JUDICIAL DISTRICT COURT, DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS
TO THE USE OF WATER, BOTH
SURFACE AND UNDERGROUND,
WITHIN THE DRAINAGE AREA OF THE
UINTA BASIN IN UTAH

ORDER OF DISTRIBUTION

2009

Civil No. 560800056CV

JUDGE EDWIN T. PETERSON

Pursuant to the State Engineer's Motion for Order of Distribution requesting that the Court order that all waters of the combined Duchesne and Strawberry River System be distributed according to the schedule prepared by the State Engineer, and good cause appearing therefore, it is hereby ORDERED:

1. The Duchesne River Commissioner is to distribute all surface waters that contribute to the Duchesne and Strawberry River System, including storage, according to the 2010 Distribution Schedule prepared by the State Engineer (attached as Exhibit A) when the flow of water decreases

to the point where it becomes necessary to regulate any or all zones of the Duchesne and Strawberry River System, as those zones are defined in the Distribution Schedule, pending further order of this Court.

2. The River Commissioner is allowed to use Starvation Reservoir, Red Creek Reservoir, and Midview Reservoir as regulating devices in conjunction with the 2010 Distribution Schedule for those water users making appropriate arrangements with the reservoir owners, so long as other water rights are not impaired, and so long as such water users have in place adequate measuring devices approved by the State Engineer. This short-term regulation is limited to two weeks or less and may occur at any time during the irrigation season.

3. This Order of Distribution shall take effect upon execution by the Court, and shall remain in effect for the 2010 irrigation season unless otherwise ordered by the Court. However, nothing in this Order of Distribution shall preclude a water user from filing an objection at any time during the 2010 irrigation season.

4. Pursuant to Section 73-5-8 of the Utah Code and this Order of Distribution, water users shall submit a crop acreage report upon request by the State Engineer. Pursuant to Section 73-5-4 of the Utah Code, water users shall install and maintain flumes or other measuring devices as required by the State Engineer.

5. This Order of Distribution is made and entered without prejudice to the claims or assertions of any of the parties in subsequent proceedings in this general water rights adjudication,

and does not constitute a final determination by this court as to the rights of the parties or the irrigation duty of water from these sources.

Dated this 5 day of April, 2010.

BY THE COURT:

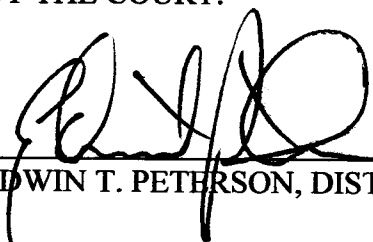

EDWIN T. PETERSON, DISTRICT JUDGE

EXHIBIT A

2010 DISTRIBUTION SCHEDULE DUCHESNE - STRAWBERRY RIVER

DESCRIPTIONS OF DISTRIBUTION ZONES

For the purposes of this Distribution Schedule, the Duchesne - Strawberry River System is divided into three zones which are described as follows:

ZONE I

Zone I includes the lands irrigated between the headwaters of the Duchesne River and the bridge (locally known as the Williams Bridge) on State Route 35 just above the confluence of Rock Creek with the Duchesne River. Zone I also includes the lands irrigated between the headwaters of Red Creek and its confluence with Currant Creek.

ZONE II

Zone II includes the lands irrigated between the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek and the Duchesne River and down to the confluence of the Strawberry River with the Duchesne River.

ZONE III

Zone III includes all the land irrigated below Starvation Dam on the Duchesne and Strawberry Rivers including Indian Canyon.

DELIVERY SCHEDULES

ZONE I

Either Delivery Schedule A or Delivery Schedule B (both shown below) may be used for the distribution of water in Zone I. The Duchesne River Commissioner will determine which schedule should be used for the current year depending upon the climatic conditions existing in Zone I.

ZONE II

Either Delivery Schedule B or Delivery Schedule C (both shown below) may be used for the distribution of water in Zone II. The Duchesne River Commissioner will determine which schedule should be used for the current year depending upon the climatic conditions existing in Zone II.

ZONE III

Delivery Schedule C (shown below) shall be used for the distribution of water in Zone III.

DELIVERY SCHEDULE "A"

May 1 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
May 1 - 15	15	1/100	0.01983	0.298	0.30
May 16 - 31	16	1/60	0.03306	0.529	0.83
June 1 - 15	15	1/60	0.03306	0.496	1.32
June 16 - 30	15	1/65	0.03051	0.458	1.78
July 1 - 15	15	1/70	0.02834	0.425	2.21
July 16 - 31	16	1/80	0.02479	0.397	2.60
Aug. 1 - 15	15	1/80	0.02479	0.372	2.98
Aug. 16 - 31	16	1/85	0.02333	0.373	3.35
Sept. 1 - 15	15	1/100	0.01983	0.298	3.65
Sept. 16 - 30	15	1/150	0.01322	0.198	3.84
Oct. 1 - 15	15	1/200	0.00991	0.149	3.99

DELIVERY SCHEDULE "B"

April 20 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
April 20 - 30	11	1/145	0.01368	0.150	0.15
May 1 - 15	15	1/100	0.01983	0.298	0.45
May 16 - 31	16	1/85	0.02333	0.373	0.82
June 1 - 15	15	1/60	0.03306	0.496	1.32
June 16 - 30	15	1/65	0.03051	0.458	1.78
July 1 - 15	15	1/70	0.02834	0.425	2.21
July 16 - 31	16	1/80	0.02479	0.397	2.60
Aug. 1 - 15	15	1/80	0.02479	0.372	2.98
Aug. 16 - 31	16	1/85	0.02333	0.373	3.35
Sept. 1 - 15	15	1/100	0.01983	0.298	3.65
Sept. 16 - 30	15	1/150	0.01322	0.198	3.85
Oct. 1 - 15	15	1/200	0.00991	0.149	4.00

DELIVERY SCHEDULE "C"

April 1 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
April 1-15	15	1/160	0.01240	0.186	0.186
April 16 - 30	15	1/160	0.01240	0.186	0.372
May 1 - 10	10	1/125	0.01587	0.159	0.531
May 11 - 20	10	1/90	0.02204	0.220	0.751
May 21 - 31	11	1/80	0.02479	0.273	1.024
June 1 - 10	10	1/70	0.02834	0.283	1.307
June 11 - 20	10	1/70	0.02834	0.283	1.590
June 21 - 30	10	1/75	0.02645	0.265	1.855
July 1 - 10	10	1/75	0.02645	0.265	2.120
July 11 - 20	10	1/80	0.02479	0.248	2.368
July 21 - 31	11	1/80	0.02479	0.273	2.641
Aug. 1 - 15	15	1/80	0.02479	0.372	3.013
Aug. 16 - 31	16	1/85	0.02333	0.373	3.386
Sept. 1 - 15	15	1/100	0.01983	0.297	3.683
Sept. 16 - 30	15	1/150	0.01322	0.198	3.881
Oct. 1 - 15	15	1/250	0.00793	0.119	4.000